IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

CRL.A.No. 928 of 2001()

ST.256/2000 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
.....

APPELLANT: COMPLAINANT

MUNDADAN SULAIMAN,
S/O.ABDULLA KUTTY,
MANNARAYIL, KONDOTY P.O.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS: ACCUSED & STATE
----

1. **VELLAMPARA SYED HAJEE @ HAJI SYED,**
   SHAPPI KUNNY, KARAKUNNU P.O.,
   THRIKKALANGODE, MALAPPURAM DISTRICT.

2. **THE STATE OF KERALA, REP.BY ITS PUBLIC**
   PROSECUTOR , HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.A.No.928 of 2001(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 3rd day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.256/2000 in the file of the Chief Judicial Magistrate, Manjeri, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256 (1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 04/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl.A.No.928 of 2001(C)

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

J U D G M E N T

3rd August, 2007